

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

DOCKET NO. D.T.E. 98-52

RESPONSE OF COMPLAINANTS TO MECO-4 (Supplemental)

MECO-4 (Supplemental): How do the Complainants determine the lowest usable attachment height above ground on a pole for their cables and equipment? What factors (such as codes, construction standards, terrain or other physical considerations) do the Complainants consider in determining the lowest usable attachment heights for the Complainants cables and equipment? How do the Complainants adjust the lowest usable attachment height of their cables for ground elevation changes between poles? How much extra clearance is added by complainants at the time of the original installation of cables to assure that code requirements will continue to be met during the life of the installation as the pole leans from the vertical position over time with the addition of new cables, settling of earth, uneven longitudinal loading due to uneven spans, etc?

RESPONSE: Complainants object to this request on grounds of relevance, since both Complainants and Massachusetts Electric Company have based their rate calculations upon an 18 foot minimum grade clearance.

Without waiving their objection, Complainants state that the National Electric Safety Code, Bellcore Blue Book and pole attachment agreements prescribe the clearance above ground and from other users on the pole. The overwhelming majority of poles already have electric lines and telephone lines attached. Telephone is the lowest user on the pole. Cable strand is installed above telephone and below electric at a location prescribed by the NESC and Blue Book, and by the pole owners.

Date: July 27,1998

Responsible Witness: Paul Glist/Counsel (as to objection)

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RESPONSE OF COMPLAINANTS TO MECO-19

MECO-19 Please describe all local, state and federal offices and regulatory agencies that have jurisdiction over each of the Complainants.

RESPONSE: Complainants object to this information request on grounds of relevance. What governmental entities have jurisdiction over each of the Complainants has no demonstrated relevance to the calculation of Massachusetts Electric Company's pole attachment rates. Complainants have already responded that they hold cable licenses in accordance with G.L.c.166A. *See also*, response to MECO-17.

Without waiving their objection, Complainants state that portions of their operations are subject to the jurisdiction of the Massachusetts Cable Television Division of the DTE, the Federal Communications Commission, local franchising authorities, OSHA and EEOC, to name a few. Cable operators are also subject to acts of Congress and of the Massachusetts General Court. This itemization is illustrative and not necessarily exhaustive of the governmental offices and agencies which may exercise jurisdiction over cable operators.

July 27,1998

Responsible Witness: Paul Glist/Counsel (as to objection)

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RESPONSE OF COMPLAINANTS TO MECO-20

MECO-20 Please describe the authority of each body described in response to MECO-19 as it pertains to each of the Complainants.

RESPONSE: Complainants object to this information request on grounds of relevance. They further object to this information request on the ground that the preparation of a response would be burdensome, given the number of governmental offices and agencies involved when considered alone or when weighed together with the lack of relevance of the requested information to the limited pole attachment rate issues in this proceeding.

July 27,1998

Responsible Witness: Counsel

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RESPONSE OF COMPLAINANTS TO MECO-21

MECO-21 Please describe how rates are determined for each of the Complainants' cable television services.

RESPONSE: Complainants object to this information request on grounds of relevance. This case involves the determination of MECo's pole attachment rates under G.L.c.166, §25A, as amended, and does not involve the determination of Complainants' cable television service rates, which are regulated in part by the Cable Television Division and in part by the Federal Communications Commission. Without waiving their objection, Complainants state that the FCC has prescribed the general structure under which cable rates are regulated. For example, the FCC has issued orders establishing rate methodologies which cable operators must follow and the various forms that cable operators must file in order to comply with detailed rules for pricing installation of service, equipment (converter boxes and remote control devices) basic service, tiers of services and packages of services. Among the FCC rate forms are 1200, 1205, 1210, 1240, 1230, 1220 and 1235. Information on these forms is available through the FCC Cable Services Bureau portion of the FCC's internet site. The Cable Television Division of the DTE regulates basic rates and rates for installation of service and equipment pursuant to the FCC's rate regulation rules and forms.

July 27, 1998

Responsible Witness: Paul Glist/ Counsel (as to objection)

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RESPONSE OF COMPLAINANTS TO MECO-22

MECO-22 Please describe how rates are determined for all other services (e.g., Internet) provided by each Complainant.

RESPONSE: Complainants object to this information request on grounds of relevance. This case involves the determination of MECo's pole attachment rates under G.L.c.166, §25A, as amended. It does not involve the determination of Complainants' charges for their own services.

July 27,1998

Responsible Witness: Paul Glist/Counsel (as to objection)